IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

FRIDAY, THE SIXTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 956 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 12-04-2004 in W.P.NO :6859 OF2004 on the file of the High Court.)

Between:

The Depot Manager, APSRTC,

Falaknuma Depot, Hyderabad District.

..... APPELLANT

AND

M. Amanullah Khan, S/o. Ameer Ahmed,
Falaknuma Depot, R/o. H.No. 8-163, Pahadi Shareef,
Saroornagar Mandal, R.R. District.

.....RESPONDENT

Counsel for the Appellant: MR.K.HARINATH, SC FOR APSRTC

Counsel for the Respondent No.: MR.MOHD.GHOUSEUDDIN

The Court made the following:

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ORDER: (per the Hon'ble Sri Justice G.Bikshapathy)

1. This Writ Appeal has been filed by the APSRTC challenging the order dated 12-04-2004 passed by the learned Single Judge in W.P.No.6859 of 2004.

2 . The writ petitioner, who was a driver in the APSRTC, was on duty on route Keshampet night out on 18-03-2004 and was placed under suspension on the allegation that he left the bus without intimation. The suspension was preceded by a preliminary enquiry and the petitioner was, prima facie, found to have been responsible for the alleged misconduct. Challenging the order of suspension, the writ petitioner filed W.P.No.6859 of 2004. The learned single Judge after considering the matter set aside the order of suspension holding that the suspension is unwarranted since it cannot be said that the petitioner had unauthorisedly left the duty.

3. The learned Counsel for the appellant-management submits that the order is wholly misconceived, as suspension pending enquiry cannot be interfered with in the normal circumstances, unless the same was without any jurisdiction.

4. We have heard the learned Counsel appearing for the respondent also.

5. In the instant case, the suspension order is preceded by a preliminary enquiry and

the learned Single Judge ought not to have recorded the finding that the writ petitioner's leaving the bus, cannot be said to be unauthorized. Such a finding will adversely affect the result of the main domestic enquiry. Thus, we are satisfied that the order of the learned single Judge is not sustainable in law. Accordingly the same is set aside. The appellant is directed to proceed with the disciplinary enquiry and complete the same within a period of four months from the date of receipt of this order

6. Accordingly, the Writ Appeal is allowed. No costs.

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Date: 16-07-2004 G.BIKSHAPATHY, J.

Jsu/Js

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B.SESHASAYANA REDDY, J.

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Friday the Sixteenth day of July Two Thousand and Four.

To

1.The Depot Manager, APSRTC, Falaknuma Depot, Hyderabad.

2. CD copies